

affiliate of the public utility are subject to review by the commission to enable the commission to determine whether the costs incurred by the public utility are reasonable.

(2) In determining whether the costs incurred are reasonable, the commission shall compare the costs incurred by the public utility to the costs that the public utility would have incurred if the coal or other boiler fuel had been purchased from a different supplier under similar contract terms.

(3) The commission may disallow recovery in the rates charged by the public utility of any amount by which the costs incurred exceed the amount that the commission determines to be reasonable based on the comparison required under subsection (2).

(4) For the purposes of this section, the following definitions apply:

(a) "Affiliate" means a corporation or other entity wholly owned or controlled, directly or indirectly, by the public utility or by a corporation or other entity that wholly owns or controls, directly or indirectly, the public utility.

(b) "Different supplier" means a fuel supplier that is not an affiliate of the public utility that is subject to commission review under this section.

History: En. Secs. 1, 2, Ch. 166, L. 1995.

69-3-113. Power of eminent domain. A public utility as defined in 69-3-101 may acquire by eminent domain any interest in property, as provided in Title 70, chapter 30, for a public use authorized by law to provide service to the customers of its regulated service.

History: En. Sec. 1, Ch. 321, L. 2011.

Compiler's Comments

Effective Date: Section 5, Ch. 321, L. 2011, provided: "[This act] is effective on passage and approval." Chapter 321, L. 2011, was enacted into law without the Governor's signature on May 9, 2011.

PSC AND
FERC

Part 2 Requirements for Public Utilities

69-3-201. Utilities to provide adequate service at reasonable charges. Every public utility is required to furnish reasonably adequate service and facilities. The charge made by any public utility for any heat, light, power, water, or regulated telecommunications service produced, transmitted, delivered, or furnished or for any service to be rendered as or in connection with any public utility shall be reasonable and just, and every unjust and unreasonable charge is prohibited and declared unlawful.

History: En. Sec. 5, Ch. 52, L. 1913; re-en. Sec. 3883, R.C.M. 1921; re-en. Sec. 3883, R.C.M. 1935; R.C.M. 1947, 70-105; amd. Sec. 12, Ch. 546, L. 1985.

Cross-References

Definition of public utility, 69-3-101.

Montana Telecommunications Act, Title 69, ch. 3, part 8.

69-3-202. Records of public utilities. (1) Every public utility shall keep and render to the commission, in the manner and form prescribed by the commission, uniform accounts of all business transacted.

(2) Every public utility engaged directly or indirectly in any other businesses than those mentioned in 69-3-101 shall, if required by the commission, keep and render separately to the commission, in like manner and form, the accounts of all such other businesses, in which case all the provisions of this chapter shall apply with like force and effect to the books, accounts, papers, and records of such other businesses.

(3) The commission shall cause to be prepared suitable blanks for carrying out the purposes of this chapter and shall, when necessary, furnish such blanks to each public utility. No public utility shall keep any other books, accounts, papers, or records of the business transacted than those prescribed or approved by the commission.

(4) Each public utility shall have an office in one of the towns, villages, or cities in this state in which its property or some part thereof is located and shall keep in said office all such books, accounts, papers, and records as shall be required by the commission to be kept within the state. No books, accounts, papers, or records required by the commission to be kept within the state shall at any time be removed from the state except upon such conditions as may be prescribed by the commission.